

# Exhibit 12

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION

4           IN RE:    NATIONAL PRESCRIPTION        ) No. 17-md-2804  
5           OPIATE LITIGATION NO. 2804            )  
6    )  
7           APPLIES TO ALL CASES                   ) Hon. Dan A. Polster  
8    )

9                   HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
10                  CONFIDENTIALITY REVIEW

11                   VIDEO DEPOSITION OF JOHN GILLIES

12                               February 7, 2019

13                               9:07 a.m.

14                   HIGHLY CONFIDENTIAL  
15                   SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

16                               Reporter: John Arndt, CSR, CCR, RDR, CRR  
17                               CSR No. 084-004605  
18                               CCR No. 1186

1 prior to Jennifer?

2 A. So -- I don't believe so, but Jen's time  
3 goes back to 2011.

4 Q. And what were Jennifer's roles and  
5 responsibilities as a senior data analyst for the SOM  
6 team?

7 A. She reviewed the peculiar, unusual reports  
8 that were produced twice a day. She was one of the  
9 analysts that reviewed those.

10 Q. And the purpose of her review was to  
11 determine whether or not the peculiar or unusual order  
12 would be suspicious sufficient to notify the DEA;  
13 correct?

14 A. Correct.

15 Q. And after Jennifer left in the 2015 time  
16 period, who took over for her as a senior data analyst?

17 A. I think that position went away and a new  
18 position was created.

19 Q. I see. And what was that new position?

20 A. I don't recall what the new position is.

21 Q. Does that new position currently exist as  
22 part of the SOM leadership team that you're a part of?

23 A. Part of the SOM team. I don't believe  
24 part of the leadership team.

1           Q.     Got it. And who is that individual that  
2     plays the role of the new position that you don't  
3     recall the title of?

4           A.     Yes. It's a -- I believe I identified her  
5     earlier today, but I only recall her first name.  
6     Rochelle.

7           Q.     I see. And generally speaking, what are  
8     her responsibilities?

9           A.     One of her responsibilities is going to be  
10    reviewing any chargeback data that we may have on  
11    pharmacies of concern, doing some record reviews, and  
12    there's other things in her job description, but I  
13    don't recall them all, so -- but she is part of the SOM  
14    team.

15          Q.     With respect to the chargebacks, what is  
16    your understanding of what the chargeback data  
17    consisted of or consists of today?

18                 MR. O'CONNOR: Objection to form and  
19    scope.

20          A.     It would be pharmacy, name, distributor  
21    that distributes to the pharmacy, and what Mallinckrodt  
22    product is involved in the chargeback.

23    BY MR. KO:

24          Q.     Is it accurate to also say that the

1     chargeback data reveals a -- the pharmacy or clinic  
2     that purchases the Mallinckrodt controlled substance or  
3     Mallinckrodt pharmaceutical from a distributor?

4                     MR. O'CONNOR:   Objection to form.

5             A.     Yes.

6     BY MR. KO:

7             Q.     And Mallinckrodt is currently utilizing  
8     that chargeback data in connection with its SOM  
9     program; correct?

10            A.     Correct.

11            Q.     And Mallinckrodt has in the past utilized  
12     the chargeback data in connection with its SOM program;  
13     correct?

14            A.     Correct.

15            Q.     And I believe Mallinckrodt began utilizing  
16     this information as early as 2010.  Is that accurate to  
17     state?

18            A.     Yes.

19            Q.     And Mallinckrodt has been paying  
20     distributors chargeback amounts pursuant to agreements  
21     it has with the distributors for as long as -- well,  
22     strike that.

23                    Do you have an understanding of when  
24     Mallinckrodt first entered into an agreement with a

1 distributor whereby Mallinckrodt would pay chargeback  
2 amounts to its customers?

3 MR. O'CONNOR: Objection to scope.

4 A. No.

5 BY MR. KO:

6 Q. Do you have any recollection of whether  
7 that was before or after 2005?

8 MR. O'CONNOR: Same objection.

9 A. No.

10 BY MR. KO:

11 Q. Turning back to this document. Here we  
12 have -- I know we have talked about the difference  
13 between two tiers and three tiers.

14 A. Uh-huh.

15 Q. But here we have a reference to three  
16 tiers. Do you see that?

17 A. Yes.

18 Q. And I know -- so earlier you said that you  
19 believe that beginning in 2012 Mallinckrodt had  
20 utilized just the two-tier system; correct?

21 A. Correct.

22 Q. So does this refresh your recollection at  
23 all that Mallinckrodt actually moved back to a  
24 three-tier system at some point in time?

1           A.     I see it there. My recollection was we  
2     were -- had two tiers, but there is a third tier listed  
3     here.

4           Q.     And currently as it stands now, however,  
5     there is just a two-tier system; correct?

6           A.     That's my understanding.

7           Q.     And when did -- how long has  
8     Mallinckrodt's two-tier system been in effect?

9           A.     I'm sorry. I don't know. I thought it  
10    was from September of 2012, so clearly there was a  
11    change, according to this document.

12          Q.     Sure. And so it's fair to say that as of  
13    August 17th, 2015, Mallinckrodt is utilizing a  
14    three-tier structure to determine whether or not an  
15    order is suspicious?

16          A.     That's what it says at this time.

17          Q.     And with respect to the third tier,  
18    there's a reference made to a monthly limit placed on a  
19    customer based on customer bill-to address for a  
20    particular SKU for a particular amount.

21                     Did I read that correctly?

22          A.     Yes.

23          Q.     And as far as you understand the current  
24    iteration of Mallinckrodt's SOM program, does that tier